IN THE

Supreme Court of the United States.

OCTOBER TERM, 1965.

Nos. 215 and 314.

LEON ADJMI AND JOSEPH ADJMI,
Petitioners,

v.

UNITED STATES OF AMERICA.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT.

MEMORANDUM SUGGESTING THAT A QUESTION OF MOOTNESS EXISTS.

Counsel for the petitioners in the above entitled cases files this memorandum to advise the Court of certain facts which may render the above causes moot.

Petitions for certiorari were filed on behalf of the petitioners on the 4th day of June, 1965 (No. 215), and the 1st day of July, 1965 (No. 314). Both petitioners were sentenced to ten years imprisonment and fined $1,000 in No. 215; and both petitioners were sentenced to ten years imprisonment in No. 314. Petitioners in case No. 215 after having been sentenced filed a notice of appeal to the United States Court of Appeals for the Fifth Circuit and were each enlarged on bonds of twenty-five thousand dollars ($25,000) pending appeal. Petitioners in case No. 314 after

having been sentenced filed a notice of appeal and were each enlarged on bonds of five thousand dollars ($5,000) pending appeal.

On March 31, 1965, the court below affirmed the convictions of these petitioners on No. 215, and on June 10, 1965, the court below affirmed the convictions of these petitioners on No. 314.

On May 13, 1965, the application for rehearing or in the alternative for stay of mandate pending the filing of the petition for writ of certiorari was denied in case No. 215. No application for rehearing or for stay of mandate was made in case No. 314.

Thereafter, upon application of said petitioners in No. 215 for enlargement pending filing a petition for certiorari, Justice Hugo L. Black, on May 27, 1965, entered an order admitting said petitioners to bail pending posting and approval of good and sufficient bail bonds in the amount of twenty-five thousand dollars ($25,000) for each petitioner. Petitioners did not comply with said order and have not complied with this order as of this date.

On July 23, 1965, the petitioners having failed to appear, the United States District Court for the Middle District of Florida, Tampa Division, entered an order declaring a forfeiture of recognizance, a copy of said order is marked Exhibit 1.

Counsel for the petitioners has been unable to communicate with petitioners and has not heard from them since on or about May 24, 1965. Counsel for the petitioners communicated with members of the petitioners' family (brother and sister), but received no information as to petitioners whereabouts. Counsel for petitioners communicated with the surety of the bonds for the petitioners who has been searching for them but was informed that he has been unable to communicate with the petitioners or indeed to apprehend them.

In *Eisler v. United States,* 338 U. S. 189, where the petitioner admittedly fled from the country after the grant

of his petition for writ of certiorari, and after the submission of his cause on the merits, this Court in a Per Curiam decision ordered ". . . that the cause will be left off the docket until a direction to the contrary shall issue."

Counsel for the petitioners submits to this Court's attention the dissenting opinion of Justice Murphy in the above case at page 194 wherein it is stated ". . . that it is the importance of the legal issues, not the parties, which bring the case to this Court."

Respectfully submitted,

JACOB KOSSMAN,
Counsel for Petitioners.

July, 1965.

EXHIBIT 1.

EFB:vs/7-23-65

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA *v.* JOSEPH ADJMI and LEON ADJMI	Case No. 63-115-T. Cr.

FORFEITURE OF RECOGNIZANCE.

WHEREAS, this cause was called on July 23, 1965, after due notice, for commencement of sentence of each of the defendants herein pursuant to judgment and commitment of this Court entered on December 23, 1963, in this cause, and the defendants, Joseph Adjmi and Leon Adjmi, failed to appear; thereupon the defendants were called three times but failed to answer and defaulted in their appearance; thereupon the Maryland National Insurance Company, surety upon the recognizances executed for the appearance of the said defendants before this Court, was called and ordered to bring the bodies of its principals, the said Joseph Adjmi and Leon Adjmi, but it failed and defaulted therein. It is, therefore,

ORDERED that the default of the said Joseph Adjmi and Leon Adjmi, principals, and the said Maryland National Insurance Company, surety, be and the same is hereby entered of record in this cause.

DONE AND ORDERED at Tampa, Florida, this 23rd day of July, 1965.

s/ JOSEPH P. LIEB
United States District Judge